

REMARKS

Claims 1-22 are pending in the application and stand rejected. By the above amendment, claims 1, 8, 21 and 22 have been amended. Applicants respectfully request reconsideration of the claim rejections based on the above amendments and following remarks.

Claims 1-3, 5, 8-10, 12, 15, 17-18 and 20-22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,826,025 to Gramlich in further view of U.S. Patent No. 5,880,740 to Halliday for the reasons set forth on page 3-7 of the Office Action. At the very minimum, the combination of Gramlich and Halliday is legally deficient to establish a *prima facie* case of obviousness against claims 1, 8, 15, 21 and 22.

On a fundamental level, it is respectfully submitted that Examiner's reliance on Gramlich is misplaced. For instance, although Examiner acknowledges that "*Gramlich does not specifically teach said fragments defined as an object which is a component of an object constructed using said fragment*", Examiner continues to maintain that Gramlich discloses "fragments", wherein web documents are constructed by merging parts of a document with annotation overlays (which Examiner incorrectly characterizes as "fragments"). It is respectfully submitted that there is no basis for such contention and such Examiner's disparate constructions of Gramlich are inconsistent on their face.

Gramlich merely discloses an AOP (annotation proxy server) that intercepts a retrieved a Web document and merges with the retrieved Web document commentary (or annotations) from sources from sources that are designated by a user, which refer to the requested documents (see, e.g., Abstract). Examiner incorrectly maintains that the "annotation

overlays” of Gramlich are “*fragments*” of Web documents that are merged into documents. This contention is baseless because it is not the “annotation overlays” that are merged, but rather content of the Web documents are added or changed based on directives set forth by the annotation overlays. Indeed, Gramlich expressly teaches that “annotation overlays” are merely HTML files with directives that are used to modify the content of Web documents (i.e., deleting, inserting text). These “annotation overlays” are documents that are parsed and interpreted by an AOP (annotation overlay proxy) to modify the content of a Web document (see, e.g., Col. 8, lines 35-39). The annotation overlays comprise “information fields” that allow an AOP (114) to perform a transformation on a part of a published Web document, including action field (4) and arg (5) fields that define an action to be taken by the AOP (114) when modifying a pattern (3) (or part) of the document. (See, Col. 8, line 54 - Col. 9, line 33).

Examiner’s contention that the “annotations” can be construed as a “fragment” within the context of the claimed inventions, is clearly a strained interpretation given the fact that the Gramlich specifically describes “annotation overlays” in a manner that is inconsistent with Examiner’s interpretation of the “annotation overlays” being fragments, and given the fact that Examiner expressly acknowledges that Gramlich does not specifically teach “fragments” as defined in claims 1, 8, 15, 21 and 22. In short, there is no basis for construing the annotation overlays of Gramlich as “fragments” within the meaning of the claimed invention. Such annotation overlays are not objects that are components of other objects, and which are used to construct such objects, much less objects that are included in objects based on inclusion relationships between objects and fragments, as essentially claimed in claims 1, 8, 15, 21 and 22.

Examiner's reliance on Halliday in an attempt to cure the deficiencies of Gramlich is misplaced. Halliday is directed to a system for creating and displaying composite digital images, which composite images consists of server individual image elements. Halliday does not disclose fragments as contemplated by the Examiner. Just because Halliday teaches that different images can be combined to form a composite image, does not specifically teach "fragments" that are used for constructing objects as contemplated by the claimed invention, much less constructing objects using fragments based on inclusion relationships and a determined order for constructing the objects. Indeed, Halliday merely discloses a system that enables a user to create a composite image by using a positional input device to select individual elements of the composite image to be changed, wherein the system presents different images, and the image modification proceeds by allowing the user to select image areas and image elements by a mouse (see, e.g., Abstract).

Moreover, there is no reasonable basis for combining the teachings of Gramlich and Halliday. Gramlich is directed to a methods of annotating retrieved Web documents on the fly with commentary from different sources, whereas Halliday discloses an off-line process that allows a user to manually create composite digital images. Even if Halliday discloses "fragments" as contemplated by the invention, it is respectfully submitted that the combination of Gramlich and Halliday is nothing more than selective combination of elements from different references based on impermissible hindsight reasoning in light of Applicants' specification.

For at least the above reasons, claims 1, 8, 15, 21 and 22 are patentable and non-obvious over the combination of Gramlich and Halliday Further, claims 2-3, 5, 9-10, 12,

17-18 and 20 are patentable and non-obvious over such combination for at least the above reasons by virtue of the dependence of such claims from respective base claims 1, 8, 15, 21 and 22.

Further, claims 4 and 11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Gramlich in view of Halliday and further in view of U.S. Patent No. 5,911,145 to Arora et al, claims 6, 13 and 19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Gramlich and Halliday and further in view of U.S. Patent No. 6,144,962 to Weinberg, claims 7 and 14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Gramlich and Halliday in further view of U.S. Patent No. 5,870,552 to Dozier, and claim 16 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Gramlich and Halliday in further view of U.S. Patent No. 5,855,015 to Shoham.

The above claim rejections are based, in part, on the contention that the combination of Gramlich and Halliday discloses or suggests the inventions of base claims 1, 8, 15, 21 and 22. However, the cited combinations of references are believed to be legally deficient to establish a prima facie case of obvious because at the very minimum, as discussed above, the combination of Gramlich and Halliday does not teach or suggest the elements of base claims 1, 8, 15, 21 and 22. For all the above reasons, the withdrawal of the rejections under 35 U.S.C. § 103(a) is respectfully requested.

Respectfully submitted,



Frank DeRosa

Reg. No. 43,584

Attorney for Applicants

F. Chau & Associates, LLP
1900 Hempstead Tnpk.
East Meadow, NY 11553
TEL.: (516) 357-0091
FAX: (516) 357-0092